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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,629	09/05/2006	Ashutosh Misra	Serie 6550 CIP	3290
40582	7590	07/15/2008		
AIR LIQUIDE Intellectual Property 2700 POST OAK BOULEVARD, SUITE 1800 HOUSTON, TX 77056			EXAMINER KHOSRAVANI, ARMAN	
			ART UNIT 2818	PAPER NUMBER
			MAIL DATE 07/15/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

<b>Application No.</b> 10/591,629	<b>Applicant(s)</b> MISRA ET AL.
<b>Examiner</b> ARMAN KHOSRAVIANI	<b>Art Unit</b> 2818

***--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --***

THE REPLY FILED 30 June 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

/DAVID VUJ  
Primary Examiner, Art Unit 2818

Continuation of 11, does NOT place the application in condition for allowance because: Applicants contest the finality of the office action on the grounds that the amendment submitted on 1/24/2008 only consolidated existing claimed subject matter without changing the scope of the claims. Examiner disagrees, the claimed subject matter prior to consolidation (claim 5) recites "a vapor pressure of at least about 50 torr at 20 °C" and after consolidation (claim 1) recites "a vapor pressure of at least 50 torr at about 20 °C". The environment, namely the temperature, of providing the silicon source was broadened upon consolidation encompass a range of temperatures within "about 20 °C".

With respect to arguments per claims 19-20, 26, 31,33, 35-36 and 40 rejected under 35 U.S.C. 103(a), Colombo teaches the silicon source, the pressure range and a temperature range outside Applicants claimed limitation with the prospect of post deposition anneal to adjust the nitrogen concentration and to anneal out defects (par. 9). Colombo teaches CVD per deposition but is not limiting deposition to only CVD (par. 12) and consequently not limiting in the pressure and temperature ranges disclosed. Furthermore, the invention as claimed does not preclude a post deposition step.

With respect to arguments per claims 24,29-30, 32,34,38 and 41 rejected under 35 U.S.C. 103(a), Buchanan teaches the missing silyating agent used to facilitate deposition of a metal silicide film, Colombo failed to explicitly teach the silyating agents.

With respect to arguments per claims 21,25, 27-28, 37, and 39 rejected under 35 U.S.C. 103(a), Oshita teaches a deposition step to reduce defects which are introduced by the presence of carbon in the resultant dielectric film. The use of Oshita is not impermissible hindsight as it is common to reduce defects by reducing carbon gas in a CVD apparatus and it would be obvious to eliminate the presence of carbon to optimize the electrical properties (e.g. adjusting the dielectric constant of the film)..